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August 26, 2004

Mr. David Toth
Environmental Engineer
U. S. Environmental Protection Agency (3WC31)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Toth:

In reference to your NOV R3-04-NOV-UST-08 dated July 30, 2004, that arrived at our office August 3, 2004, enclosed are the line leak detector test records for Facilities 3103958 and 3103960.

As agreed to during a telephone conference on July 2, 2004, at 2:46 p.m. between you, Marie Owens and I, we have fulfilled all of our obligations relating to this matter and expect the Notice of Violation to be dropped and no penalties will be assessed.

As I stated during our conversation, I continue to maintain that we were operating in full compliance with all regulations under 40 CFR 280.44 (c), which allows "applicable tank methods in 280-43(e) through (h)" of which "g" allows interstitial monitoring and the fact that this method was approved during installation in 1994 and used in subsequent DEP training seminars. I expect to have independent third-party verification of this detection method.

Respectfully,

Don Killmeyer

Enclosures: Test Record

Cc: James N. Webb, Associate Division Director, Office of Enforcement, Waste & Chemicals Management Division

Mike Dorsey, West Virginia DEP

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LDT-890 Leak Detector Test Record

Contractor	Customer
Tri-State Petroleum Services	(JASON MILLER) ALL STAR EXPRESS #6

Date	Location	Product Line
7/12/04	1205 DORSEY AVE. MORGANTOWN, WV.	☐ Regular ☐ Super Unleaded ☐ Diesal ☐ Unleaded ☐ Midgrade ☒ Other KEROSENE

Technician: Alan E. Sisler — Pa.DEP # 3812, MDIC # 2004-0259, WV.DEP # 0437

Submersible Pump Identification

Manufacturer	Model No.	Serial No.
RED JACKET	P75S1	—

Leak Dectector Identification

Manufacturer	Description	Other Style Leak Detector
VMI (LD-2000)	Diaphragm-type ☐ Piston-type ☒	Tamper-proof seal installed? Yes ☐ No ☒

Leak Dectector In Submersible Pump

Test at Dispenser

General Line and Pump Information

1. Operating Pump Pressure: 27.0 psi
2. Bleedback Test With Pump Off: 280 ml

(Refer to Page 5, No. 2-C)

3. Line pressure with pump shut off (LD installed) 17.5 psi

Calibrate & Confirm Leak Rate

(Follow manufacturer's guidelines for GPH test rate.)

4. GPH confirmed: 3.0
5. 95 ml at 10 psi (6.) in 30 seconds.
(See Page 2, No. 17 & Appendix A.)

7. Confirm sensing of calibrated lead? Yes ☒ No ☐ *
8. Confirm sensing of calibrated leak after dispenser nozzle is keyed and released? Yes ☒ No ☐

Pressure Step Test

9. With 4-way selector in Pressure Step Test position, turn on pump.

Record step-through time to full flow: 3.0 sec.

[Note: If time is excessive (more than 3 seconds), isolate leak detector and test independent from line.]
(See Test Protocol No. 1, Page 5)

Reset Test

10. Leak detector resets to leak search position from GPH test orifice? Yes ☐ No ☒

(See Note No. 1, Page 6 in Test Protocol 1)

Piston Seal Leak Test (Red Jacket PLD, XLP, & Vaporless LD-2000)

11. Seal/Pressure relief tight? Yes ☒ No ☐

(See No. 31, Page 3 in Test Protocol 1)

Note: Yes = Leak detection fits test protocol.
No = Leak detector fails test protocol.

Leak Dectector Test Pass ☒ Fail ☐

* Complete thermal expansion test before failing leak detector.

Form 890 B (3-1-91)

LDT-890 Leak Detector Test Record

Contractor	Customer
Tri-State Petroleum Services	(JASON MILLER) ALL STAR EXPRESS #6
Date: 7/12/04	**Location:**
Technician: Alan E. Sisler — Pa.DEP # 3812, MDIC # 2004-0259, WV.DEP # 0437	**Product Line:** ☐ Regular ☐ Super Unleaded ☒ Diesal ☐ Unleaded ☐ Midgrade ☐ Other

Submersible Pump Identification

Manufacturer	Model No.	Serial No.
RED JACKET	P75S1	—

Leak Dectector Identification

Manufacturer	Description	Other Style Leak Detector
VMI (LD-2000)	Diaphragm-type ☐ Piston-type ☒	Tamper-proof seal installed? Yes ☐ No ☒

Leak Dectector In Submersible Pump

Test at Dispenser

General Line and Pump Information

1. Operating Pump Pressure: 29.0 psi
3. Line pressure with pump shut off (LD installed) 16.0 psi
2. Bleedback Test With Pump Off: 145 ml

(Refer to Page 5, No. 2-C)

Calibrate & Confirm Leak Rate

(Follow manufacturer's guidelines for GPH test rate.)

4. GPH confiirmed: 3.0
5. 95 ml at 10 psi (6.) in 30 seconds.
(See Page 2, No. 17 & Appendix A.)

7. Confirm sensing of calibrated lead? Yes ☒ No ☐ *
8. Confirm sensing of calibrated leak after dispenser nozzle is keyed and released? Yes ☒ No ☐

Pressure Step Test

9. With 4-way selector in Pressure Step Test position, turn on pump.

Record step-through time to full flow: 2.0 sec.

[Note: If time is excessive (more than 3 seconds), isolate leak detector and test independent from line.]
(See Test Protocol No. 1, Page 5)

Reset Test

10. Leak detector resets to leak search position from GPH test orifice? Yes ☐ No ☒

(See Note No. 1, Page 6 in Test Protocol 1)

Piston Seal Leak Test (Red Jacket PLD, XLP, & Vaporless LD-2000)

11. Seal/Pressure relief tight? Yes ☒ No ☐

(See No. 31, Page 3 in Test Protocol 1)

Note: (Yes) = Leak detection fits test protocol.
No = Leak detector fails test protocol.

Leak Dectector Test Pass ☒ Fail ☐

* Complete thermal expansion test before failing leak detector.

Form 890 B (3-1-91)

LDT-890 Leak Detector Test Record

Contractor	Customer (JASON MILLER)
Tri-State Petroleum Services	ALL STAR EXPRESS
Date: 7/21/04 — Location: 1205 DORSEY AVE. MORGANTOWN, WV	Product Line: ☐ Regular ☒ Super Unleaded ☐ Diesal ☐ Unleaded ☐ Midgrade ☐ Other
Technician: Alan E. Sisler — Pa.DEP # 3812, MDIC # 2004-0259, WV.DEP # 0437	

Submersible Pump Identification

Manufacturer	Model No.	Serial No.
RED JACKET	P75S1	—

Leak Dectector Identification

Manufacturer	Description	Other Style Leak Detector
(NEW) VEEDER ROOT (FX1V)	Diaphragm-type ☐ Piston-type ☒	Tamper-proof seal installed? Yes ☐ No ☒

Leak Dectector In Submersible Pump

Test at Dispenser

General Line and Pump Information

1. Operating Pump Pressure: 28.0 psi
2. Bleedback Test With Pump Off: 300 ml

(Refer to Page 5, No. 2-C)

3. Line pressure with pump shut off (LD installed) 18.0 psi

Calibrate & Confirm Leak Rate

(Follow manufacturer's guidelines for GPH test rate.)

4. GPH confiirmed: 3.0
5. 95 ml at 10 psi (6.) in 30 seconds.
(See Page 2, No. 17 & Appendix A.)

7. Confirm sensing of calibrated lead? Yes ☒ No ☐ *
8. Confirm sensing of calibrated leak after dispenser nozzle is keyed and released? Yes ☒ No ☐

Pressure Step Test

9. With 4-way selector in Pressure Step Test position, turn on pump.

Record step-through time to full flow: 3.0 sec.

[Note: If time is excessive (more than 3 seconds), isolate leak detector and test independent from line.]
(See Test Protocol No. 1, Page 5)

Reset Test

10. Leak detector resets to leak search position from GPH test orifice? Yes ☐ No ☒

(See Note No. 1, Page 6 in Test Protocol 1)

Piston Seal Leak Test (Red Jacket PLD, XLP, & Vaporless LD-2000)

11. Seal/Pressure relief tight? Yes ☒ No ☐

(See No. 31, Page 3 in Test Protocol 1)

Note: Yes = Leak detection fits test protocol.
No = Leak detector fails test protocol.

Leak Dectector Test Pass ☒ Fail ☐

* Complete thermal expansion test before failing leak detector.

LDT-890 Leak Detector Test Record

Contractor	Customer (JASON MILLER)
Tri-State Petroleum Services	ALL STAR EXPRESS #6
Date: 7/12/04 — Location: 1205 DORSEY AVE. MORGANTOWN, WV.	Product Line: ☒ Regular ☐ Super Unleaded ☐ Diesal ☒ Unleaded ☐ Midgrade ☐ Other
Technician: Alan E. Sisler — Pa.DEP # 3812, MDIC # 2004-0259, WV.DEP # 0437	

Submersible Pump Identification

Manufacturer	Model No.	Serial No.
RED JACKET	P75S1	—

Leak Dectector Identification

Manufacturer	Description	Other Style Leak Detector
VMI (LD-2000)	Diaphragm-type ☐ Piston-type ☒	Tamper-proof seal installed? Yes ☐ No ☒

Leak Dectector In Submersible Pump

Test at Dispenser

General Line and Pump Information

1. Operating Pump Pressure: 28.5 psi
3. Line pressure with pump shut off (LD installed) 16.5 psi
2. Bleedback Test With Pump Off: 275 ml

(Refer to Page 5, No. 2-C)

Calibrate & Confirm Leak Rate

(Follow manufacturer's guidelines for GPH test rate.)

4. GPH confirmed: 3.0
5. 95 ml at 10 psi (6.) in 30 seconds.
(See Page 2, No. 17 & Appendix A.)

7. Confirm sensing of calibrated lead? Yes ☒ No ☐ *
8. Confirm sensing of calibrated leak after dispenser nozzle is keyed and released? Yes ☒ No ☐

Pressure Step Test

9. With 4-way selector in Pressure Step Test position, turn on pump.

Record step-through time to full flow: 2.5 sec.

[Note: If time is excessive (more than 3 seconds), isolate leak detector and test independent from line.]
(See Test Protocol No. 1, Page 5)

Reset Test

10. Leak detector resets to leak search position from GPH test orifice? Yes ☐ No ☒

(See Note No. 1, Page 6 in Test Protocol 1)

Piston Seal Leak Test (Red Jacket PLD, XLP, & Vaporless LD-2000)

11. Seal/Pressure relief tight? Yes ☒ No ☐

(See No. 31, Page 3 in Test Protocol 1)

Note: (Yes) = Leak detection fits test protocol.
No = Leak detector fails test protocol.

Leak Dectector Test Pass ☒ Fail ☐

* Complete thermal expansion test before failing leak detector.

Form 890 B (3-1-91)